

The opinion in support of the decision being entered today is not binding  
precedent of the Board.

Filed by: Merits Panel  
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Paper 41

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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DOW CHEMICAL COMPANY

Junior Party,  
(U.S. Patent 5,527,929<sup>1</sup>)

v.

BASELL POLYOLEFINE GmbH

Senior Party.  
(Application 09/851,643<sup>2</sup>)

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Patent Interference 105,250

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Before: HANLON, TORCZON, and MOORE, Administrative Patent Judges.

HANLON, Administrative Patent Judge.

**JUDGMENT – MERITS – BD.R. 127(a)**

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<sup>1</sup> The inventors of U.S. Patent 5,527,929 are Francis J. Timmers and David D. Devore. Paper 24 at 1.

<sup>2</sup> The inventors of Application 09/851,643 are Gerhard Erker, Bodo Temme, Michael Aulbach, Bernd Bachmann, and Frank Kuber. Paper 24 at 2.

ORDERED that judgment on the issue of priority is entered in favor of the Senior Party and against the Junior Party as to Count 1, the sole count, and it is

FURTHER ORDERED that the parties shall direct attention to 35 U.S.C. § 135(c) and 37 CFR § 41.205(a) regarding the filing of settlement agreements.

[illegible]

/ss/ Richard Torczon  
RICHARD TORCZON  
Administrative Patent Judge

ALH/alh

cc (via electronic mail):

For Dow Chemical Co.: **Douglas N. Deline**, DOW CHEMICAL COMPANY of Midland,  
Michigan, with **Aaron Barlow** and **Shehla F. Syed**, JENNER & BLOCK LLP of  
Chicago, Illinois.

For Basell Polyolefine GmbH: **Ashley I. Pezzner** and **Rudolf E. Hutz**, CONNOLLY, BOVE &  
HUTZ LLP of Wilmington, Delaware.

**Townes, Yolunda**

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**From:** Townes, Yolunda on behalf of Interference Trial Section  
**Sent:** Thursday, September 22, 2005 8:42 AM  
**To:** 'Rudolf E. Hutz (CONNOLLY BOVE)'; 'apezzner@cblh.com'; 'ddeline@dow.com';  
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**Subject:** Interference #105250\_041 (ALH) - Judgment-Merits-Bd.R. 127(a)

9/22/05